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16 *Ultimate Fighting Championship and UFC*

17
18 **UNITED STATES DISTRICT COURT**
19 **DISTRICT OF NEVADA**

20 Cung Le, Nathan Quarry, Jon Fitch, Brandon
21 Vera, Luis Javier Vazquez, and Kyle Kingsbury,
22 on behalf of themselves and all others similarly
situated,

23 Plaintiffs,

24 v.

25 Zuffa, LLC, d/b/a Ultimate Fighting
26 Championship and UFC,

27 Defendant.
28

No.: 2:15-cv-01045-RFB-BNW

**DECLARATION OF JONATHAN M.
SHAW IN SUPPORT OF ZUFFA,
LLC'S REPLY IN SUPPORT OF ITS
MOTION TO SEAL EXHIBITS AND
PROTECTED MATERIALS AT THE
EVIDENTIARY HEARING ON
CLASS CERTIFICATION**

1 I, Jonathan M. Shaw, declare as follows:

2 1. I am a member in good standing of the bars of the District of Columbia and the State
3 of Maryland and in inactive member in good standing of the bar of the State of Washington. I am
4 admitted *pro hac vice* to practice before this Court. I am a Partner in the law firm Boies Schiller
5 Flexner LLP (“BSF”), counsel for Zuffa, LLC (“Zuffa”) in the above-captioned action in the United
6 States District Court for the District of Nevada, *Le et al. v. Zuffa, LLC*, No. 2:15-cv-01045-RFB-
7 BNW.

8 2. I make this declaration in support of Zuffa’s Reply in Support of its Motion to Seal
9 Exhibits and Protected Materials at the Evidentiary Hearing on Class Certification. Based on my
10 personal experience, knowledge, and review of the files, records, and communications in this case, I
11 have personal knowledge of the facts set forth in this Declaration and, if called to testify, could and
12 would testify competently to those facts under oath.

13 3. On May 24, 2019, Zuffa provided Plaintiffs with a description of its current sealing
14 positions and preliminary redactions of the expert reports in this case. Zuffa provided these
15 materials not as final proposed redactions but in order to facilitate a discussion of sealing issues in an
16 attempt to reach an agreement with Plaintiffs on these issues.

17 4. The Parties met and conferred regarding sealing issues on June 6, 2019. During that
18 meet and confer, Plaintiffs asked Zuffa several questions about its positions and raised potential
19 concerns about its preliminary redactions. Zuffa informed Plaintiffs that these redactions were
20 preliminary, that it would take Plaintiffs concerns under consideration, and that it would review its
21 redactions and revise them where possible.

22 5. During this same May 24, 2019 to June 7, 2019 time period, the Parties were also
23 meeting and conferring with non-parties about the documents on the Parties’ Combined Exhibit List
24 that were produced and marked confidential by non-parties.

25 6. On June 5, 2019, the Parties met and conferred with counsel for Bellator. During that
26 meet and confer session, Bellator indicated it would not seek to seal its contracts in their entirety but
27 requested that the identifying information of fighters in the contracts be redacted. Following this
28 meeting, Zuffa decided it would adopt a similar position.

1 7. In its preliminary redactions, Zuffa redacted many documents and information
2 contained therein that had been designated as confidential by non-parties as it believed it was
3 obligated to do under the Revised Protective Order and Stipulation, ECF No. 217. By the end of the
4 meet and confer period, several non-parties had either withdrawn their objections or chose not to
5 object to the public disclosure of their documents. As a result, Zuffa removed the redactions of the
6 documents and information belonging to those non-parties.

7 8. As a result, by the end of the meet and confer process, Zuffa was able to remove
8 many of its preliminary redactions from the copies of the expert reports it provided to Plaintiffs. The
9 versions attached to this declaration are Zuffa's final proposed redactions, which it intended to
10 provide to the Court for an *in camera* review but which it provides now to avoid confusion with the
11 preliminary redactions Plaintiffs attached to their Opposition.

12 9. Exhibit A to this declaration is a true and correct copy of the document with
13 combined exhibit list number PCCX135, which bears the Bates number ZFL-1112933.

14 10. Exhibit B to this declaration is a true and correct copy of the Expert Report of Hal J.
15 Singer, dated August 31, 2017, with Zuffa's proposed redactions.

16 11. Exhibit C to this declaration is a true and correct copy of the Expert Rebuttal Report
17 of Hal J. Singer, dated January 12, 2018, with Zuffa's proposed redactions.

18 12. Exhibit D to this declaration is a true and correct copy of the Supplemental Report of
19 Hal J. Singer, dated April 3, 2018, with Zuffa's proposed redactions.

20 13. Exhibit E to this declaration is a true and correct copy of the Second Supplemental
21 Report of Hal J. Singer, dated May 30, 2018, with Zuffa's proposed redactions.

22 14. Exhibit F to this declaration is a true and correct copy of the Expert Report of
23 Professor Robert H. Topel, dated October 27, 2017, with Zuffa's proposed redactions.

24 15. Exhibit G to this declaration is a true and correct copy of the Sur-Rebuttal Expert
25 Report of Professor Robert H. Topel, dated February 12, 2017, with Zuffa's proposed redactions.

26 16. Exhibit H to this declaration is a true and correct copy of Professor Robert H. Topel's
27 Reply to the Supplemental Expert Report of Hal J. Singer, dated May 7, 2018, with Zuffa's proposed
28 redactions.

17. Exhibit I to this declaration is a chart indicating the basis for sealing each individual redaction in Exhibits B through H.

18. Professor Robert H. Topel's 26(e) Supplemental Report, dated July 30, 2018, was filed publicly in its entirety when initially filed with the Court. ECF No. 575-17.

I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct. Executed this 12th day of July, 2019 in Washington, DC.

/s/ Jonathan M. Shaw
Jonathan M. Shaw